

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Local Government and Elections, to which was referred House Bill No. 1196, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 2, delete lines 11 through 28, begin a new paragraph and
- 2 insert:
- 3 "SECTION 2. IC 3-5-2-49.9, AS ADDED BY P.L.164-2006,
- 4 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 5 JULY 1, 2008]: Sec. 49.9. (a) "Vote center" means a polling place
- 6 where a voter who resides in the county in which the vote center is
- 7 located may vote without regard to the precinct in which the voter
- 8 resides.
- 9 (b) ~~This section expires December 31, 2009.~~
- 10 SECTION 3. IC 3-6-3.9 IS ADDED TO THE INDIANA CODE AS
- 11 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
- 12 1, 2008]:
- 13 **Chapter 3.9. Investigation of Violations of Election Law**
- 14 **Sec. 1. The secretary of state may conduct public or private**
- 15 **investigations as the secretary of state considers necessary or**
- 16 **appropriate to:**
- 17 (1) **determine whether a violation of:**
- 18 (A) **this title;**
- 19 (B) **a rule adopted under this title; or**
- 20 (C) **an order issued under this title;**

1 has occurred, is occurring, or is about to occur; or

2 (2) aid in the enforcement of:

3 (A) this title; or

4 (B) rules adopted under this title.

5 **Sec. 2. (a) If, after conducting an investigation under section 1**
6 **of this chapter, the secretary of state determines that a violation**
7 **has occurred, is occurring, or is about to occur, the secretary of**
8 **state shall refer the results of the investigation to the appropriate**
9 **local, state, or federal agency.**

10 **(b) If, after conducting an investigation under section 1 of this**
11 **chapter, the secretary of state determines that there is a basis for**
12 **belief that there may have been a violation of criminal law, the**
13 **secretary of state shall refer the results of the investigation to the**
14 **appropriate federal agencies or the appropriate prosecuting**
15 **attorney.**

16 **(c) At the request of:**

17 (1) a federal, state, or local agency receiving a referral
18 described in subsection (a) or (b); or

19 (2) a prosecuting attorney receiving a referral described in
20 subsection (b);

21 **the secretary of state shall give all necessary and reasonable**
22 **assistance to the agency or the prosecuting attorney to facilitate the**
23 **investigation of violations and the enforcement of this title.**

24 **(d) A federal, state, or local agency or a prosecuting attorney to**
25 **which the secretary of state has referred investigation results**
26 **under subsection (a) or (b) shall report to the secretary of state the**
27 **agency's or prosecuting attorney's decision as to whether to take**
28 **further action on the referral.**

29 **(e) A report made under subsection (d) must be filed with the**
30 **secretary of state on the earlier of the following:**

31 (1) One hundred eighty (180) days after the date of the
32 referral.

33 (2) Sixty (60) days before the date the statute of limitations
34 expires on a violation that was referred.

35 **Sec. 3. (a) In conducting an investigation under this chapter, the**
36 **secretary of state or a person designated by the secretary of state**
37 **to exercise the powers provided in this section may do any of the**
38 **following:**

- 1 **(1) Administer oaths and affirmations.**
- 2 **(2) Issue and serve subpoenas requiring:**
 - 3 **(A) the appearance of a witness in person before the**
 - 4 **secretary of state or any person designated by the**
 - 5 **secretary of state; or**
 - 6 **(B) the production of books, papers, electronic data, and**
 - 7 **documents or other things.**
- 8 **(3) Question witnesses.**
- 9 **(4) Require the filing of statements and other evidence.**
- 10 **(5) Take depositions in the manner prescribed by law for**
- 11 **depositions in civil actions.**
- 12 **(6) Transcribe testimony provided by witnesses by deposition**
- 13 **or other methods.**
- 14 **(7) Examine, inspect, or test, or cause to be examined,**
- 15 **inspected, or tested, any machine, computer, or other thing.**
- 16 **(8) Apply to a court to enforce a subpoena or any other**
- 17 **investigative request issued under this chapter.**
- 18 **(b) Each witness who appears before the secretary of state or a**
- 19 **person designated by the secretary of state under subsection (a) by**
- 20 **subpoena or other order is entitled to receive for the witness's**
- 21 **attendance the fees and mileage provided for witnesses in civil**
- 22 **cases, which shall be audited and paid by the state in the same**
- 23 **manner as other expenses of the secretary of state are audited and**
- 24 **paid upon the presentation of proper vouchers sworn to by the**
- 25 **witnesses and approved by the secretary of state. However, a**
- 26 **witness subpoenaed by a party other than the secretary of state or**
- 27 **a person designated by the secretary of state under subsection (a)**
- 28 **is not entitled to any fee or compensation from the state.**
- 29 **Sec. 4. (a) This section applies if:**
 - 30 **(1) a person disobeys a lawful:**
 - 31 **(A) subpoena issued under this chapter; or**
 - 32 **(B) demand issued under this chapter requiring the**
 - 33 **production of books, accounts, papers, records, documents,**
 - 34 **or other evidence or information; or**
 - 35 **(2) a witness refuses to:**
 - 36 **(A) appear when subpoenaed;**
 - 37 **(B) testify to any matter regarding which the witness may**
 - 38 **lawfully be questioned; or**

1 (C) take or subscribe an oath required under this chapter.

2 (b) The secretary of state may file a written petition with the
3 circuit or superior court of the county in which the investigation is
4 being or will be conducted or where production is ordered to be
5 made to compel:

6 (1) obedience to the lawful requirements of the subpoena or
7 order;

8 (2) the production of the necessary or required books, papers,
9 records, documents, or other evidence or information; or

10 (3) a witness to:

11 (A) appear in any county in Indiana and to testify to any
12 matter regarding which the witness may lawfully be
13 interrogated; or

14 (B) take or subscribe to an oath required under this
15 chapter.

16 (c) The court shall hold a hearing to determine whether the
17 person referred to in subsection (a)(1) may lawfully refuse to
18 comply with the subpoena or demand or whether the witness
19 referred to in subsection (a)(2) may lawfully refuse to appear, take
20 an oath, and testify.

21 (d) If the court determines that the person referred to in
22 subsection (a)(1) or the witness referred to in subsection (a)(2),
23 based upon the person's or witness's privilege against
24 self-incrimination, may properly refuse to answer a particular
25 question or produce a particular item, the court shall grant use
26 immunity to the person or witness at the written request of the
27 secretary of state. The court shall instruct the person or witness, by
28 written order or in open court, that:

29 (1) evidence the person or witness gives, or evidence derived
30 from that evidence, may not be used in any criminal
31 proceedings against the person or witness, unless the evidence
32 is volunteered by the person or witness or is not responsive to
33 a question; and

34 (2) the person or witness must answer the questions asked or
35 produce the items requested.

36 A grant of use immunity under this subsection does not prohibit
37 the use of evidence that the person or witness gives in an
38 investigation from being used in a prosecution for perjury under

IC 35-44-2-1.

(e) If a person:

- (1) refuses to give the evidence after the person has been granted use immunity under subsection (d); or**
- (2) otherwise fails, refuses, or neglects to comply with a court order under this section;**

the court shall punish the person for contempt of court.

(f) This section does not preclude a person from applying to the circuit or superior court in the county in which the investigation is being or will be conducted or where production is ordered to be made for relief from a request or order to appear, testify, file a statement, produce records, or obey a subpoena.

Sec. 5. At the secretary of state's request, the attorney general shall give all necessary assistance to the secretary of state to implement this chapter."

Page 3, delete lines 24 through 42, begin a new paragraph and insert:

"SECTION 6. IC 3-8-2-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 15. (a) A person who files a declaration of candidacy for an elected office for which a per diem or salary is provided for by law is disqualified from filing a declaration of candidacy for another office for which a per diem or salary is provided for by law until the original declaration is withdrawn.

(b) A person may file both:

- (1) a declaration of candidacy under this chapter for nomination to a federal or state office; and**
- (2) a written request under IC 3-8-3-1 that the person's name be placed on the ballot in a primary election as a candidate for nomination for the office of President of the United States.**

(c) A person may not file:

- (1) a declaration of candidacy for a nomination; and**
- (2) a petition of nomination or declaration of intent to be a write-in candidate for a school board office that is elected at the same time as the primary election;**

If a person files both a declaration of candidacy and a petition of nomination described in this subsection, the matter shall be referred to the county election board under section 18 of this chapter. The board shall determine which document was most recently filed and shall

1 ~~consider the previously filed document to have been withdrawn.~~

2 SECTION 7. IC 3-8-2-19 IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JANUARY 1, 2009]: Sec. 19. (a) Upon receipt of the
4 certified list under section 17 of this chapter, a county election board
5 shall immediately compile under the proper political party designation
6 the following:

7 (1) The title of each office.

8 (2) The name of each individual who has filed a request to be
9 placed on the presidential primary ballot.

10 (3) The names and addresses of all persons for whom declarations
11 of candidacy have been filed for nomination to an office on the
12 primary election ballot.

13 ~~(4) The names and addresses of all persons who have filed a~~
14 ~~petition of nomination for election to a school board office to be~~
15 ~~chosen at the same time as the primary election.~~

16 ~~(5)~~ (4) The text of any public question to be placed on the ballot.

17 ~~(6)~~ (5) The date of the primary election.

18 ~~(7)~~ (6) The hours during which the polls will be open.

19 (b) The county election board shall do the following:

20 (1) Publish the information described in subsection (a) before the
21 primary election in accordance with IC 5-3-1.

22 (2) File a copy of the information described in subsection (a):

23 (A) with the election division; and

24 (B) in the minutes of the county election board.

25 (c) The county election board shall file the copies required under
26 subsection (b)(2) not later than noon ten (10) days before election day.

27 (d) An election is not invalidated by the failure of the board to
28 comply with this section.

29 (e) If the county election board receives an amendment from the
30 election division under section 17 of this chapter after:

31 (1) compilation of the information described in subsection (a) has
32 occurred; or

33 (2) the board determines that it is impractical to recompile
34 completely revised information;

35 the board is only required to file a copy of the amendment with the
36 minutes of the board.

37 SECTION 8. IC 3-8-2.5 IS ADDED TO THE INDIANA CODE AS
38 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE

1 JANUARY 1, 2009]:

2 **Chapter 2.5. Nomination for School Board Office**

3 **Sec. 1. This chapter applies to a candidate for a school board**
4 **office.**

5 **Sec. 2. A candidate for a school board office must file a petition**
6 **of nomination in accordance with IC 3-8-6 and as required under**
7 **IC 20-23 or IC 20-25. The petition of nomination, once filed, serves**
8 **as the candidate's declaration of candidacy for a school board**
9 **office.**

10 **Sec. 3. A candidate for a school board office is not required to**
11 **file a statement of organization for the candidate's principal**
12 **committee unless the candidate has received contributions or made**
13 **expenditures requiring the filing of a statement under IC 3-9-1-5.5.**
14 **If a candidate for a school board office is required to file a**
15 **statement of organization for the candidate's principal committee,**
16 **the statement of organization must be filed by noon seven (7) days**
17 **after the final date for filing a petition of nomination or declaration**
18 **of intent to be a write-in candidate.**

19 **Sec. 4. (a) A petition of nomination for a school board office**
20 **must be filed not earlier than one hundred four (104) days and not**
21 **later than noon seventy-four (74) days before the general election.**
22 **The petition must be subscribed and sworn to before a person**
23 **authorized to administer oaths.**

24 **(b) A declaration of intent to be a write-in candidate for a school**
25 **board office must be filed not earlier than ninety (90) days before**
26 **the general election and not later than noon five (5) days before the**
27 **final date for the delivery of absentee ballots under IC 3-11-4-15.**
28 **The declaration must be subscribed and sworn to before a person**
29 **authorized to administer oaths.**

30 **SECTION 9. IC 3-10-1-19, AS AMENDED BY P.L.164-2006,**
31 **SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE**
32 **JANUARY 1, 2009]: Sec. 19. (a) The ballot for a primary election shall**
33 **be printed in substantially the following form for all the offices for**
34 **which candidates have qualified under IC 3-8:**

35 **OFFICIAL PRIMARY BALLOT**

36 _____ Party

37 **For paper ballots, print: To vote for a person, make a voting mark**
38 **(X or ✓) on or in the box before the person's name in the proper**

column. For optical scan ballots, print: To vote for a person, darken or shade in the circle, oval, or square (or draw a line to connect the arrow) that precedes the person's name in the proper column. For optical scan ballots that do not contain a candidate's name, print: To vote for a person, darken or shade in the oval that precedes the number assigned to the person's name in the proper column. For electronic voting systems, print: To vote for a person, touch the screen (or press the button) in the location indicated.

Vote for one (1) only

Representative in Congress

☐ (1) AB _____

☐ (2) CD _____

☐ (3) EF _____

☐ (4) GH _____

(b) The offices with candidates for nomination shall be placed on the primary election ballot in the following order:

(1) Federal and state offices:

(A) President of the United States.

(B) United States Senator.

(C) Governor.

(D) United States Representative.

(2) Legislative offices:

(A) State senator.

(B) State representative.

(3) Circuit offices and county judicial offices:

(A) Judge of the circuit court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the circuit court.

(B) Judge of the superior court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the superior court.

(C) Judge of the probate court.

(D) Judge of the county court, with each division separate, as required by IC 33-30-3-3.

(E) Prosecuting attorney.

(F) Circuit court clerk.

(4) County offices:

(A) County auditor.

- 1 (B) County recorder.
- 2 (C) County treasurer.
- 3 (D) County sheriff.
- 4 (E) County coroner.
- 5 (F) County surveyor.
- 6 (G) County assessor.
- 7 (H) County commissioner.
- 8 (I) County council member.
- 9 (5) Township offices:
- 10 (A) Township assessor.
- 11 (B) Township trustee.
- 12 (C) Township board member.
- 13 (D) Judge of the small claims court.
- 14 (E) Constable of the small claims court.
- 15 (6) City offices:
- 16 (A) Mayor.
- 17 (B) Clerk or clerk-treasurer.
- 18 (C) Judge of the city court.
- 19 (D) City-county council member or common council member.
- 20 (7) Town offices:
- 21 (A) Clerk-treasurer.
- 22 (B) Judge of the town court.
- 23 (C) Town council member.
- 24 (c) The political party offices with candidates for election shall be
- 25 placed on the primary election ballot in the following order after the
- 26 offices described in subsection (b):
- 27 (1) Precinct committeeman.
- 28 (2) State convention delegate.
- 29 (d) The following offices and public questions shall be placed on the
- 30 primary election ballot in the following order after the offices described
- 31 in subsection (c):
- 32 ~~(1) School board offices to be elected at the primary election.~~
- 33 ~~(2) (1) Other~~ Local offices to be elected at the primary election.
- 34 ~~(3) (2)~~ Local public questions.
- 35 (e) The offices and public questions described in subsection (d)
- 36 shall be placed:
- 37 (1) in a separate column on the ballot if voting is by paper ballot;
- 38 (2) after the offices described in subsection (c) in the form

specified in IC 3-11-13-11 if voting is by ballot card; or

(3) either:

(A) on a separate screen for each office or public question; or

(B) after the offices described in subsection (c) in the form specified in IC 3-11-14-3.5;

if voting is by an electronic voting system.

(f) A public question shall be placed on the primary election ballot in the following form:

(The explanatory text for the public question,
if required by law.)

"Shall (insert public question)?"

☐ YES

☐ NO

SECTION 10. IC 3-10-1-19.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 19.2. (a) Whenever candidates are to be nominated for an office that includes more than one (1) district, the districts shall be placed on the ballot in alphabetical or numerical order, according to the designation given to the district.

(b) Whenever candidates are to be nominated for an office that includes both an at-large member and a member representing a district, the candidates seeking nomination as an at-large member shall be placed on the ballot before candidates seeking nomination to represent a district.

(c) ~~This subsection applies to a school board office or political office to be elected at the primary election ballot.~~ Candidates for a ~~school board office~~ or a political party office shall be placed on the ballot in accordance with the rules applicable to candidates for nomination to an office under subsections (a) and (b).

SECTION 11. IC 3-10-1-32 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 32. Primary election returns must contain the whole number of votes cast for **each of the following:**

(1) Each candidate of each political party.

(2) Each public question voted on at the primary election. ~~and~~

(3) Each candidate for election to a ~~school board office~~ or political party office.

SECTION 12. IC 3-11-8-2 IS AMENDED TO READ AS

1 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2. A voter shall vote at
 2 the polls for the precinct where the voter resides except when
 3 authorized to vote:

- 4 (1) in another precinct under IC 3-10-10, IC 3-10-11, or
- 5 IC 3-10-12; or
- 6 (2) at a special voting poll under section 6.5 of this chapter; or
- 7 (3) at an alternate polling place under section 3.3 of this
- 8 chapter.

9 SECTION 13. IC 3-11-8-3.2 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3.2. (a) A county
 11 executive shall give ten (10) days notice of the place of voting in each
 12 precinct by publication in the manner prescribed by IC 5-3-1-4. The
 13 notice must include the following information:

- 14 (1) For each precinct, whether the polls are located in an
- 15 accessible facility.
- 16 (2) If special polling places are designated under section 6.5 of
- 17 this chapter:
- 18 (A) the location of each special polling place; and
- 19 (B) the procedures for elderly voters and voters with
- 20 disabilities to apply to vote at a special polling place.

21 (b) If it is necessary to change a place for voting after giving notice,
 22 notice of the change shall be given in the same manner. However,
 23 except as provided in subsection (c) or section 3.3 of this chapter, a
 24 change may not be made within two (2) days before an election.

25 (c) If the county election board determines by a unanimous vote of
 26 the board's entire membership that the use of a polling place at an
 27 election would be dangerous or impossible, the county election board
 28 may order the relocation of the polling place during the final two (2)
 29 days before an election. The county election board shall give the best
 30 possible notice of this change to news media and the voters of the
 31 precinct. If an order is adopted under this subsection, the order expires
 32 after the election.

33 SECTION 14. IC 3-11-8-3.3 IS ADDED TO THE INDIANA CODE
 34 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 35 1, 2008]: Sec. 3.3. (a) Before each election that is held after June 30,
 36 2008, each:

- 37 (1) county election board; and
- 38 (2) county board of elections and registration;

1 shall designate at a central location in the jurisdiction in which the
 2 election will be held at least one (1) alternate polling place for use
 3 in the event that voters are unable to vote in their assigned polling
 4 place because the polls do not open within one (1) hour after the
 5 time that the polls are required to open under section 8 of this
 6 chapter.

7 (b) If the polls in any precinct do not open within one (1) hour
 8 after the polls are required to open under section 8 of this chapter,
 9 the county election board or county board of elections and
 10 registration shall order the relocation of the polling place to the
 11 alternate polling place designated under subsection (a).

12 (c) The county election board shall give the best possible notice
 13 of the relocation of the polling place to the news media and the
 14 voters of the precinct.

15 (d) If the jurisdiction in which the election will be held has at
 16 least twenty-five thousand (25,000) active voters, the county
 17 election board or county board of elections and registration shall
 18 designate at least one (1) alternate polling place at a central
 19 location in each township included in the jurisdiction in which the
 20 election will be held.

21 (e) An alternate polling place designated under this section
 22 must:

23 (1) be located in an accessible facility; and

24 (2) operate under all other requirements for precincts and
 25 polls under this title.

26 (f) Votes cast at an alternate polling place shall be counted and
 27 reported in the same manner as if the votes had been cast at the
 28 polls that did not open within the period required under subsection
 29 (a).".

30 Delete pages 4 through 7.

31 Page 8, delete lines 1 through 17.

32 Page 8, line 40, delete "A voter described by either of the following
 33 is not required".

34 Page 8, delete line 41.

35 Page 8, line 42, delete "(1)".

36 Page 8, run in lines 40 through 42.

37 Page 9, line 1, delete ".".

38 Page 9, line 1, reset in roman "is".

- 1 Page 9, reset in roman lines 2 through 3.
- 2 Page 9, delete lines 4 through 12.
- 3 Page 10, delete lines 11 through 36.
- 4 Page 11, delete lines 9 through 42.
- 5 Delete pages 12 through 15.
- 6 Page 16, delete lines 1 through 19.
- 7 Page 19, delete lines 22 through 42, begin a new paragraph and
- 8 insert:
- 9 "SECTION 19. IC 3-11-18-1, AS ADDED BY P.L.164-2006,
- 10 SECTION 119, IS AMENDED TO READ AS FOLLOWS
- 11 [EFFECTIVE JULY 1, 2008]: Sec. 1. This chapter applies to a county
- 12 designated as a vote center ~~pilot~~ county under this chapter.
- 13 SECTION 20. IC 3-11-18-3, AS ADDED BY P.L.164-2006,
- 14 SECTION 119, IS AMENDED TO READ AS FOLLOWS
- 15 [EFFECTIVE JULY 1, 2008]: Sec. 3. (a) For a county to be designated
- 16 a vote center ~~pilot~~ county:
- 17 (1) the county election board (or board of elections and
- 18 registration established under IC 3-6-5.2 or IC 3-6-5.4), by
- 19 unanimous vote of the entire membership of the board, must
- 20 approve ~~the filing of an application to be designated an order~~
- 21 **designating the county** a vote center ~~pilot~~ county;
- 22 (2) all members of the board must sign the ~~application; order;~~
- 23 and
- 24 (3) the ~~application order~~ must be filed with the ~~secretary of state.~~
- 25 **election division.**
- 26 (b) The ~~application order filed with the election division~~ must
- 27 include **a copy of:**
- 28 (1) a resolution adopted by the county executive; and
- 29 (2) a resolution adopted by the county fiscal body;
- 30 approving the ~~submission designation~~ of the ~~application; county as a~~
- 31 **vote center county.**
- 32 SECTION 21. IC 3-11-18-4, AS ADDED BY P.L.164-2006,
- 33 SECTION 119, IS AMENDED TO READ AS FOLLOWS
- 34 [EFFECTIVE JULY 1, 2008]: Sec. 4. The ~~application order adopted~~
- 35 **by the county election board** must include a plan for the
- 36 administration of vote centers in the county. The plan must include at
- 37 least the following:
- 38 (1) The total number of vote centers to be established.

(2) The location of each vote center. ~~and the municipality, if any, in which the vote center is located.~~

~~(3) A list of each municipality within the county that is entitled to conduct a municipal primary or municipal election; as of the date of the application.~~

(3) The effective date of the order.

(4) The total number of voters ~~within each municipality, in the county,~~ as of the date of the ~~application;~~ **order,** and the number of those voters ~~within each municipality~~ designated as "active" and "inactive" according to the ~~county voter registration office;~~ **computerized list (as defined in IC 3-7-26.3-2).**

(5) For each vote center designated under subdivision (2), a list of the precincts whose polls will be located at the vote center.

(6) For each vote center designated under subdivision (2), the number of precinct election boards that will be appointed to administer an election at the vote center.

(7) For each precinct election board designated under subdivision (6), the number and name of each precinct the precinct election board will administer.

(8) For each vote center designated under subdivision (2), the number and title of the precinct election officers who will be appointed to serve at the vote center.

(9) For each vote center designated under subdivision (2):

(A) the number and type of ballot variations that will be provided at the vote center; and

(B) whether these ballots will be:

(i) delivered to the vote center before the opening of the polls; or

(ii) printed on demand for a voter's use.

(10) A detailed description of any hardware, firmware, or software used:

(A) to create an electronic poll list for each precinct whose polls are to be located at a vote center; or

(B) to establish a secure electronic connection between the county election board and the precinct election officials administering a vote center.

(11) A description of the equipment and procedures to be used to ensure that information concerning a voter entered into any

1 electronic poll list used by precinct election officers at a vote
2 center is immediately accessible to:

3 (A) the county election board; and

4 (B) the electronic poll lists used by precinct election officers
5 at all other vote centers in the county.

6 (12) For each precinct designated under subdivision (5), the
7 number of electronic poll lists to be provided for the precinct.

8 (13) The security and contingency plans to be implemented by the
9 county to:

10 (A) prevent a disruption of the vote center process; and

11 (B) ensure that the election is properly conducted if a
12 disruption occurs.

13 (14) A certification that the vote center complies with the
14 accessibility requirements applicable to polling places under
15 IC 3-11-8.

16 (15) A sketch depicting the planned layout of the vote center,
17 indicating the location of:

18 (A) equipment; and

19 (B) precinct election officers;

20 within the vote center.

21 (16) The total number of vote centers to be established at satellite
22 offices that are established under IC 3-11-10-26.3 to allow voters
23 to cast absentee ballots in accordance with IC 3-11.

24 SECTION 22. IC 3-11-18-5, AS ADDED BY P.L.164-2006,
25 SECTION 119, IS AMENDED TO READ AS FOLLOWS
26 [EFFECTIVE JULY 1, 2008]: Sec. 5. ~~(a) Except for a municipality~~
27 ~~described in subsection (b);~~ A plan must provide a vote center for use
28 by voters residing in ~~each municipality~~ within the county ~~conducting~~
29 **for use in a primary election, general election, special election, a**
30 **municipal primary, or a municipal election conducted on or after the**
31 **effective date of the county election board's order.**

32 ~~(b) A vote center may not be used in a municipal primary or~~
33 ~~municipal election conducted within a municipality that is partially~~
34 ~~located in a county that has not been designated a vote center pilot~~
35 ~~county.~~

36 SECTION 23. IC 3-11-18-6, AS ADDED BY P.L.164-2006,
37 SECTION 119, IS AMENDED TO READ AS FOLLOWS
38 [EFFECTIVE JULY 1, 2008]: Sec. 6. When the total number of voters

1 designated under section 4(4) of this chapter as "active" equals at least
 2 twenty-five thousand (25,000), ~~in the municipalities listed in the plan,~~
 3 the following apply:

4 (1) The plan must provide for at least one (1) vote center for each
 5 ten thousand (10,000) active voters.

6 (2) In addition to the vote centers designated in subdivision (1),
 7 the plan must provide for a vote center for any fraction of ten
 8 thousand (10,000) voters.

9 SECTION 24. IC 3-11-18-7, AS ADDED BY P.L.164-2006,
 10 SECTION 119, IS AMENDED TO READ AS FOLLOWS
 11 [EFFECTIVE JULY 1, 2008]: Sec. 7. Before approving ~~an application~~
 12 ~~to designate an order designating~~ a county as a vote center ~~pilot~~
 13 county under this chapter, the ~~secretary of state~~ **county election board**
 14 must determine the following:

15 (1) That the secure electronic connection as described under
 16 section 4(10)(B) of this chapter is sufficient to prevent:

17 (A) any voter from voting more than once; and

18 (B) unauthorized access by any person to:

19 (i) the electronic poll lists for a precinct whose polls are to
 20 be located at the vote center; or

21 (ii) the computerized list of voters of the county.

22 (2) That the planned design and location of the equipment and
 23 precinct officers will provide the most efficient access for:

24 (A) voters to enter the polls, cast their ballots, and leave the
 25 vote center; and

26 (B) precinct election officials, watchers, challengers, and
 27 pollbook holders to exercise their rights and perform their
 28 duties within the vote center.

29 SECTION 25. IC 3-11-18-8, AS ADDED BY P.L.164-2006,
 30 SECTION 119, IS AMENDED TO READ AS FOLLOWS
 31 [EFFECTIVE JULY 1, 2008]: Sec. 8. **(a)** The designation of a county
 32 as a vote center ~~pilot~~ county takes effect immediately **upon the filing**
 33 **of the order with the election division**, unless otherwise specified by
 34 the ~~secretary of state~~ **county election board**.

35 **(b)** The designation of a county as a vote center county remains
 36 in effect until the county election board, by unanimous vote of its
 37 entire membership:

38 (1) rescinds the order designating the county as a vote center

1 **county; and**

2 **(2) files a copy of the document rescinding the order with the**
 3 **election division.**

4 SECTION 26. IC 3-11-18-11, AS ADDED BY P.L.164-2006,
 5 SECTION 119, IS AMENDED TO READ AS FOLLOWS
 6 [EFFECTIVE JULY 1, 2008]: Sec. 11. Except as otherwise provided
 7 by this chapter, the county shall administer an election conducted at a
 8 vote center in accordance with federal law, this title, and the plan
 9 ~~submitted~~ **adopted** with the ~~application~~ **county election board's order**
 10 under section 4 of this chapter.

11 SECTION 27. IC 3-11-18-15, AS ADDED BY P.L.164-2006,
 12 SECTION 119, IS AMENDED TO READ AS FOLLOWS
 13 [EFFECTIVE JULY 1, 2008]: Sec. 15. (a) In addition to the precinct
 14 election officers appointed under IC 3-6-6, a county election board by
 15 the unanimous vote of the entire membership may appoint one (1) or
 16 more greeters to:

17 (1) direct voters entering the vote center to the appropriate
 18 location for the voters to sign the electronic poll list; and

19 (2) provide other instructions to facilitate the efficient movement
 20 of individuals within the vote center.

21 (b) An individual appointed as a greeter under this section must bear
 22 credentials issued by the county election board stating the name of the
 23 individual and the individual's status as a greeter.

24 **(c) The plan adopted with a county election board's order under**
 25 **section 4 of this chapter may authorize precinct election officials to**
 26 **perform duties specified under this title using alternative**
 27 **procedures described in the plan in order to efficiently administer**
 28 **the county's vote centers.**

29 SECTION 28. IC 3-11-18-17, AS ADDED BY P.L.164-2006,
 30 SECTION 119, IS AMENDED TO READ AS FOLLOWS
 31 [EFFECTIVE JULY 1, 2008]: Sec. 17. (a) ~~The secretary of state may~~
 32 ~~permit~~ A county ~~to may~~ amend a plan ~~submitted~~ **adopted with a**
 33 **county election board's order** under section 4 of this chapter.

34 (b) For a county to amend its plan:

35 (1) the county election board (or board of elections and
 36 registration established under IC 3-6-5.2 or IC 3-6-5.4), by
 37 unanimous vote of the entire membership of the board, must
 38 approve the ~~filing of a request to amend the plan~~ **amendment;**

(2) all members of the board must sign the ~~request~~; **amendment**;
and

(3) the ~~request~~ **amendment** must be filed with the ~~secretary of~~
~~state~~; **election division**.

~~(c) The request for amendment must set forth the specific~~
~~amendments proposed to be made to the plan.~~

(c) A plan amendment takes effect immediately upon filing with
the election division, unless otherwise specified by the county
election board.

SECTION 29. IC 3-14-2-9 IS AMENDED TO READ AS
FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 9. A person who
knowingly votes or offers to vote at an election when the person is not
registered or authorized to vote commits a ~~Class D~~ **Class C** felony.

SECTION 30. IC 3-14-2-11 IS AMENDED TO READ AS
FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 11. Except as provided
by IC 3-10-10, IC 3-10-11, or IC 3-10-12, a person who knowingly
votes or offers to vote in a precinct except the one in which the person
is registered and resides commits a ~~Class D~~ **Class C** felony.

SECTION 31. IC 3-14-2-13, AS AMENDED BY P.L.103-2005,
SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
JULY 1, 2008]: Sec. 13. A person who knowingly hires or solicits
another person to go into a precinct for the purpose of voting at an
election at the precinct when the person hired or solicited is not a voter
in the precinct commits a ~~Class D~~ **Class C** felony.

SECTION 32. IC 3-14-2-14 IS AMENDED TO READ AS
FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 14. A precinct election
officer or public official upon whom a duty is imposed by this title who
knowingly:

(1) allows a person to vote who is not entitled to vote; or

(2) allows a person to vote by use of an unauthorized procedure;
commits a ~~Class D~~ **Class C** felony.

SECTION 33. IC 3-14-2-15, AS AMENDED BY P.L.103-2005,
SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
JULY 1, 2008]: Sec. 15. A member, an employee, or an agent of a
county election board who knowingly delivers a ballot to a person
except in the manner prescribed by this title commits a ~~Class D~~ **Class**
C felony.

SECTION 34. IC 3-14-2-16, AS AMENDED BY P.L.103-2005,

SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 16. A person who knowingly does any of the following commits a ~~Class D~~ **Class C** felony:

(1) Applies for or receives a ballot in a precinct other than that precinct in which the person is entitled to vote.

(2) Except when receiving assistance under IC 3-11-9, shows a ballot after it is marked to another person in such a way as to reveal the contents of it or the name of a candidate for whom the person has voted.

(3) Except when offering assistance requested by a voter in accordance with IC 3-11-9, examines a ballot that a voter has prepared for voting or solicits the voter to show the ballot.

(4) Receives from a voter a ballot prepared by the voter for voting, except:

(A) the inspector;

(B) a member of the precinct election board temporarily acting for the inspector;

(C) a member or an employee of a county election board (acting under the authority of the board and state law) or an absentee voter board member acting under IC 3-11-10; or

(D) a member of the voter's household, an individual designated as attorney in fact for the voter, or an employee of:

(i) the United States Postal Service; or

(ii) a bonded courier company;

(acting in the individual's capacity as an employee of the United States Postal Service or a bonded courier company) when delivering an envelope containing an absentee ballot under IC 3-11-10-1.

(5) Receives a ballot from a person other than one of the poll clerks or authorized assistant poll clerks.

(6) Delivers a ballot to a voter to be voted, unless the person is:

(A) a poll clerk or authorized assistant poll clerk; or

(B) a member of a county election board or an absentee voter board acting under IC 3-11-10.

(7) Delivers a ballot (other than an absentee ballot) to an inspector that is not the ballot the voter receives from the poll clerk or assistant poll clerk.

(8) Delivers an absentee ballot to a team of absentee ballot

counters appointed under IC 3-11.5-4-22, a county election board, a circuit court clerk, or an absentee voting board under IC 3-11-10 that is not the ballot cast by the absentee voter.

(9) Delivers an absentee ballot prepared by the voter for voting to a county election board, except for:

(A) the inspector;

(B) a member of the precinct election board temporarily acting for the inspector;

(C) a member or an employee of a county election board (acting under the authority of the board and in accordance with state law) or an absentee voter board member acting under IC 3-11-10; or

(D) a member of the voter's household or an individual designated as attorney in fact for the voter, an employee of:

(i) the United States Postal Service; or

(ii) a bonded courier company;

(acting in the individual's capacity as an employee of the United States Postal Service or a bonded courier company) when delivering an envelope containing an absentee ballot under IC 3-11-10-1.

(10) Possesses an unmarked absentee ballot on or before the date of the election for which the absentee ballot has been printed, unless the person is authorized to possess the absentee ballot under this title as any of the following:

(A) A printer, when arranging for the delivery of unmarked absentee ballots to a county election board under IC 3-11-2.

(B) A county election board member or employee (acting under the authority of the board and in accordance with state law).

(C) An absentee voter board member.

(D) An employee of:

(i) the United States Postal Service; or

(ii) a bonded courier company;

(acting in the individual's capacity as an employee of the United States Postal Service or a bonded courier company) when delivering an envelope containing an absentee ballot.

(E) An individual authorized under IC 3-11-10-24 to deliver an absentee ballot.

- 1 (F) An absentee ballot counter under IC 3-11.5.
- 2 (G) A provisional ballot counter.
- 3 (H) A precinct election officer.
- 4 (I) The voter who applied for the absentee ballot.
- 5 (11) Completes or signs an absentee ballot application for a voter,
- 6 or assists a voter in completing an absentee ballot application in
- 7 violation of IC 3-11.

8 SECTION 35. IC 3-14-2-17 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 17. A voter at an
 10 election who knowingly writes or places on a ballot a name, sign, or
 11 device as a distinguishing mark by which to indicate to any other
 12 person how the voter has voted commits a ~~Class D~~ **Class C** felony.

13 SECTION 36. IC 3-14-2-20 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 20. A person who
 15 knowingly:

- 16 (1) deceives a voter in registering the voter's vote under
- 17 IC 3-11-8; or
- 18 (2) registers a voter's vote in a way other than as requested by the
- 19 voter;
- 20 commits a ~~Class D~~ **Class C** felony.

21 SECTION 37. IC 3-14-2-21 IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 21. A person who
 23 fraudulently causes a voter at an election to vote for a person different
 24 from the one the voter intended to vote for or on a public question
 25 different from the vote the voter intended to cast commits a ~~Class D~~
 26 **Class C** felony.

27 SECTION 38. IC 3-14-2-22 IS AMENDED TO READ AS
 28 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 22. A person who
 29 knowingly furnishes a voter who cannot read the English language with
 30 a ballot at an election that the person represents to the voter as
 31 containing a name different from the one printed or written on it
 32 commits a ~~Class D~~ **Class C** felony.

33 SECTION 39. IC 3-14-2-23 IS AMENDED TO READ AS
 34 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 23. A person entrusted
 35 with the custody of ballots who knowingly:

- 36 (1) opens a package in which the ballots are contained;
- 37 (2) destroys a ballot; or
- 38 (3) delivers such a package or ballot to a person not entitled to

1 receive it;
 2 commits a ~~Class D~~ **Class C** felony.

3 SECTION 40. IC 3-14-2-24, AS AMENDED BY P.L.103-2005,
 4 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 JULY 1, 2008]: Sec. 24. A person who **does any of the following**
 6 **commits a Class C felony:**

7 (1) Takes a ballot legally deposited out of a ballot box or out of a
 8 voting system for the purpose of destroying the ballot or
 9 substituting another ballot in its place.

10 (2) Destroys or misplaces a ballot with the intent to substitute
 11 another ballot for it or with the intent to prevent it from being
 12 counted. ~~or~~

13 (3) Knowingly enters upon the pollbooks the name of a person
 14 who has not legally voted or knowingly tallies a vote for a
 15 candidate or on a public question not voted for by the ballot.

16 ~~commits a Class D felony.~~

17 SECTION 41. IC 3-14-2-25 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 25. A member of a
 19 precinct election board or county election board, a person employed at
 20 the central counting headquarters, or a person charged with a duty in
 21 connection with an election or entrusted with the custody or control of
 22 a ballot either before or after voting who marks or defaces a ballot for
 23 the purpose of:

24 (1) identifying the ballot (except by numbering protested ballots
 25 for future reference as provided by law); or

26 (2) vitiating the ballot;

27 commits a ~~Class D~~ **Class C** felony.

28 SECTION 42. IC 3-14-2-26, AS AMENDED BY P.L.103-2005,
 29 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2008]: Sec. 26. A person who **does any of the following**
 31 **commits a Class C felony:**

32 (1) During the progress of an election or within the time for
 33 preparation required under this title, knowingly breaks open or
 34 violates the seal or lock of a ballot box, envelope, container, bag,
 35 or voting system component in which ballots have been deposited.

36 (2) Knowingly obtains a ballot box, envelope, container, bag, or
 37 voting system component that contains ballots and cancels,
 38 withholds, or destroys a ballot.

(3) Knowingly increases or decreases the number of ballots legally deposited in a ballot box, envelope, container, bag, or voting system component. ~~or~~

(4) Knowingly makes a fraudulent erasure or alteration on a tally sheet, pollbook, list of voters, or election return deposited in a ballot box, envelope, bag, or voting system component.

~~commits a Class D felony.~~

SECTION 43. IC 3-14-2-27 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 27. A precinct election officer at the close of the polls, an absentee ballot counter acting under IC 3-11.5-5 or IC 3-11.5-6, or a provisional ballot counter acting under IC 3-11.7-5 who knowingly:

(1) causes the vote to be incorrectly taken down for a candidate or public question; or

(2) makes a false statement, certificate, or return of any kind of that vote;

~~commits a Class D~~ **Class C** felony.

SECTION 44. IC 3-14-2-28 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 28. A person who:

(1) with intent to defraud, alters an election return;

(2) knowingly destroys, misplaces, or loses a pollbook or tally sheet; or

(3) with intent to defraud, alters the vote of a candidate or on a public question as returned by the county election board or its employees;

~~commits a Class D~~ **Class C** felony.

SECTION 45. IC 3-14-3-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 17. A member of a precinct election board, a precinct election officer, or a member of an absentee voter board who knowingly induces or persuades a voter to vote for a candidate or for or against a public question while acting as a board member or precinct election officer commits a ~~Class D~~ **Class C** felony.

SECTION 46. IC 3-14-3-19, AS AMENDED BY P.L.103-2005, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 19. A person who, for the purpose of inducing or procuring another person to:

(1) apply for or cast an absentee ballot; or

(2) vote or refrain from voting for or against a candidate or for or against a public question at an election or political convention; gives, offers, or promises to any person any money or other property commits a ~~Class D~~ **Class C** felony.

SECTION 47. IC 3-14-3-20, AS AMENDED BY P.L.103-2005, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 20. A person who, for the purpose of inducing or procuring a voter to:

(1) apply for or cast an absentee ballot; or
(2) vote or refrain from voting for or against a candidate or for or against a public question at an election or political convention; receives, accepts, requests, or solicits from any person any money or other property commits a ~~Class D~~ **Class C** felony.

SECTION 48. IC 3-14-4-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 6. An inspector, or person acting in the inspector's behalf, who knowingly deposits:

(1) a ballot upon which the initials of the poll clerks or authorized assistant poll clerks do not appear; or
(2) a ballot on which appears externally a distinguishing mark or defacement;
commits a ~~Class D~~ **Class C** felony.

SECTION 49. IC 3-14-4-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 7. A member of a precinct election board or a person otherwise entitled to the inspection of the ballots who knowingly:

(1) reveals to another person how a voter has voted; or
(2) gives information concerning the appearance of any ballot voted;
commits a ~~Class D~~ **Class C** felony.

SECTION 50. IC 3-14-4-8, AS AMENDED BY P.L.221-2005, SECTION 139, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 8. A member of a precinct election board, an absentee ballot counter appointed under IC 3-11.5-4-22, or a provisional ballot counter appointed under IC 3-11.7-3 who knowingly:

(1) opens or marks, by folding or otherwise, a ballot presented by a voter, except as provided by law; or
(2) tries to find out how the voter voted before the ballot is

1 deposited in the ballot box or cast on a ballot card voting system
 2 or an electronic voting system or counted by the absentee ballot
 3 counter;
 4 commits a ~~Class D~~ **Class C** felony.

5 SECTION 51. IC 3-14-4-10, AS AMENDED BY P.L.221-2005,
 6 SECTION 140, IS AMENDED TO READ AS FOLLOWS
 7 [EFFECTIVE JULY 1, 2008]: Sec. 10. A person who knowingly
 8 violates:

- 9 (1) IC 3-11.5-5;
- 10 (2) IC 3-11.5-6;
- 11 (3) IC 3-12-2-1;
- 12 (4) IC 3-12-3-14; or
- 13 (5) IC 3-12-3.5-7;

14 by providing any other person with information concerning the number
 15 of votes a candidate received for an office or cast to approve or reject
 16 a public question on absentee ballots counted under IC 3-11.5-5,
 17 IC 3-11.5-6, or IC 3-12 before the closing of the polls commits a ~~Class~~
 18 **D Class C** felony.

19 SECTION 52. IC 3-14-5-2, AS AMENDED BY P.L.230-2005,
 20 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 UPON PASSAGE]: Sec. 2. (a) Each precinct election board shall, at
 22 the close of the polls, place all affidavits prescribed by this title for use
 23 on election day to determine the eligibility of a precinct election officer
 24 (or a person who wishes to cast a ballot) in a strong paper bag or
 25 envelope and securely seal it. Each member shall endorse that
 26 member's name on the back of the bag or envelope.

27 (b) The inspector and judge of the opposite political party shall
 28 deliver the sealed bag or envelope to the county election board. The
 29 county election board shall do the following:

- 30 (1) Remove the affidavits from the bag or envelope.
- 31 (2) Mail a copy of each affidavit to the secretary of state **not later**
 32 **than sixty (60) days after election day.**
- 33 (3) Replace the affidavits within the bag or envelope.
- 34 (4) Reseal the bag or envelope with the endorsement of the name
 35 of each county election board member on the back of the bag or
 36 envelope.
- 37 (5) Carefully preserve the resealed bag or envelope and deliver it,
 38 with the county election board's seal unbroken, to the foreman of

1 the grand jury when next in session.

2 (c) The grand jury shall inquire into the truth or falsity of the
3 affidavits, and the court having jurisdiction over the grand jury shall
4 specially charge the jury as to its duties under this section.

5 (d) The grand jury shall file a report of the result of its inquiry with:

6 (1) the court; and

7 (2) the NVRA official if a violation of NVRA appears to have
8 occurred.".

9 Delete pages 20 through 29.

10 Page 30, delete lines 1 through 10.

11 Page 31, after line 42, begin a new paragraph and insert:

12 "SECTION 56. IC 20-23-4-12, AS AMENDED BY P.L.2-2006,
13 SECTION 92, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 JANUARY 1, 2009]: Sec. 12. (a) In formulating a preliminary
15 reorganization plan and with respect to each of the community school
16 corporations that are a part of the reorganization plan, the county
17 committee shall determine the following:

18 (1) The name of the community school corporation.

19 (2) Subject to subsection (e), a general description of the
20 boundaries of the community school corporation.

21 (3) With respect to the board of school trustees, **the following:**

22 (A) Whether the number of members is:

23 (i) three (3);

24 (ii) five (5); or

25 (iii) seven (7).

26 (B) Whether the members are elected or appointed.

27 (C) If the members are appointed:

28 (i) when the appointments are made; and

29 (ii) who makes the appointments.

30 (D) If the members are elected, ~~whether that~~ the election is at

31 ~~(i) the primary election at which county officials are~~
32 ~~nominated; or~~

33 ~~(ii) the general election at which county officials are elected.~~

34 ~~and~~

35 (E) Subject to sections 21 and 22 of this chapter, the manner
36 in which members are elected or appointed.

37 (4) The compensation, if any, of the members of the regular and
38 interim board of school trustees, which may not exceed the

- 1 amount provided in IC 20-26-4-7.
- 2 (5) Subject to subsection (f), qualifications required of the
- 3 members of the board of school trustees, including limitations on:
- 4 (A) residence; and
- 5 (B) term of office.
- 6 (6) If an existing school corporation is divided in the
- 7 reorganization, the disposition of assets and liabilities.
- 8 (7) The disposition of school aid bonds, if any.
- 9 (b) If existing school corporations are not divided in the
- 10 reorganization, the:
- 11 (1) assets;
- 12 (2) liabilities; and
- 13 (3) obligations;
- 14 of the existing school corporations shall be transferred to and assumed
- 15 by the new community school corporation of which they are a part,
- 16 regardless of whether the plan provides for transfer and assumption.
- 17 (c) The preliminary plan must be supported by a summary statement
- 18 of **the following:**
- 19 (1) The educational improvements the plan's adoption will make
- 20 possible.
- 21 (2) Data showing the:
- 22 (A) assessed valuation;
- 23 (B) number of resident students in ADA in grades 1 through
- 24 12;
- 25 (C) assessed valuation per student referred to in clause (B);
- 26 and
- 27 (D) property tax levies;
- 28 of each existing school corporation to which the plan applies.
- 29 (3) The:
- 30 (A) assessed valuation;
- 31 (B) resident ADA; and
- 32 (C) assessed valuation per student;
- 33 data referred to in subdivision 2(A) through 2(C) that would have
- 34 applied for each proposed community school corporation if the
- 35 corporation existed in the year the preliminary plan is prepared or
- 36 notice of a hearing or hearings on the preliminary plan is given by
- 37 the county committee. ~~and~~
- 38 (4) Any other data or information the county committee considers

- 1 appropriate or that may be required by the state board in its rules.
- 2 (d) The county committee:
- 3 (1) shall base the assessed valuations and tax levies referred to in
- 4 subsection (c)(2) through (c)(3) on the valuations applying to
- 5 taxes collected in:
- 6 (A) the year the preliminary plan is prepared; or
- 7 (B) the year notice of a hearing or hearings on the preliminary
- 8 plan is given by the county committee;
- 9 (2) may base the resident ADA figures on the calculation of the
- 10 figures under the rules under which they are submitted to the state
- 11 superintendent by existing school corporations; and
- 12 (3) shall set out the resident ADA figures for:
- 13 (A) the school year in progress if the figures are available for
- 14 that year; or
- 15 (B) the immediately preceding school year if the figures are
- 16 not available for the school year in progress.
- 17 The county committee may obtain the data and information referred to
- 18 in this subsection from any source the committee considers reliable. If
- 19 the county committee attempts in good faith to comply with this
- 20 subsection, the summary statement referred to in subsection (c) is
- 21 sufficient regardless of whether the statement is exactly accurate.
- 22 (e) The general description referred to in subsection (a)(2) may
- 23 consist of an identification of an existing school corporation that is to
- 24 be included in its entirety in the community school corporation. If a
- 25 boundary does not follow the boundary of an existing civil unit of
- 26 government or school corporation, the description must set out the
- 27 boundary:
- 28 (1) as near as reasonably possible by:
- 29 (A) streets;
- 30 (B) rivers; and
- 31 (C) other similar boundaries;
- 32 that are known by common names; or
- 33 (2) if descriptions as described in subdivision (1) are not possible,
- 34 by section lines or other legal description.
- 35 The description is not defective if there is a good faith effort by the
- 36 county committee to comply with this subsection or if the boundary
- 37 may be ascertained with reasonable certainty by a person skilled in the
- 38 area of real estate description. The county committee may require the

1 services of the county surveyor in preparing a description of a boundary
2 line.

3 (f) A member of the board of school trustees:

4 (1) may not serve an appointive or elective term of more than four
5 (4) years; and

6 (2) may serve more than one (1) consecutive appointive or
7 elective term.

8 SECTION 57. IC 20-23-4-29.1 IS ADDED TO THE INDIANA
9 CODE AS A NEW SECTION TO READ AS FOLLOWS
10 [EFFECTIVE JANUARY 1, 2009]: **Sec. 29.1. (a) This section applies**
11 **to each school corporation.**

12 (b) If a plan provides for election of members of the governing
13 body, the members of the governing body shall be elected at a
14 general election. Each candidate must file a petition of nomination
15 in accordance with IC 3-8-2.5 that is signed by the candidate and
16 by ten (10) registered voters residing within the boundaries of the
17 community school corporation. The filing must be made within the
18 time specified by IC 3-8-2.5-4.

19 (c) All nominations shall be listed for each office in the form
20 prescribed by IC 3-11-2, but without party designation. Voting and
21 tabulation of votes shall be conducted in the same manner as voting
22 and tabulation in general elections are conducted. The precinct
23 election boards serving in each county shall conduct the election
24 for members of the governing body. If a school corporation is
25 located in more than one (1) county, each county election board
26 shall print the ballots required for voters in that county to vote for
27 candidates for members of the governing body.

28 (d) If the plan provides that the members of the governing body
29 shall be elected by all the voters of the community school
30 corporation, candidates shall be placed on the ballot in the form
31 prescribed by IC 3-11-2, without party designation. The candidates
32 who receive the most votes are elected.

33 (e) If the plan provides that members of the governing body are
34 to be elected from residence districts by all voters in the
35 community school corporation, nominees for the governing body
36 shall be placed on the ballot in the form prescribed by IC 3-11-2,
37 by residence districts without party designation. The ballot must
38 state the number of members to be voted on and the maximum

1 **number of members that may be elected from each residence**
 2 **district as provided in the plan. A ballot is not valid if more than**
 3 **the maximum number of members are voted on from a board**
 4 **member residence district. The candidates who receive the most**
 5 **votes are elected. However, if more than the maximum number**
 6 **that may be elected from a residence district are among those**
 7 **receiving the most votes, the candidates from the residence districts**
 8 **exceeding the maximum number who receive the fewest votes shall**
 9 **be eliminated in determining the candidates who are elected.**

10 **(f) If the plan provides that members of the governing body are**
 11 **to be elected from electoral districts solely by the voters of each**
 12 **district, nominees residing in each electoral district shall be placed**
 13 **on the ballot in the form prescribed by IC 3-11-2, without party**
 14 **designation. The ballot must state the number of members to be**
 15 **voted on from the electoral district. The candidates residing in the**
 16 **electoral district who receive the most votes are elected.**

17 SECTION 58. IC 20-23-4-30, AS ADDED BY P.L.230-2005,
 18 SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JANUARY 1, 2009]: Sec. 30. (a) This section applies to each school
 20 corporation.

21 ~~(b)~~ If the governing body is to be elected at the primary election;
 22 each registered voter may vote in the governing body election without
 23 otherwise voting in the primary election.

24 ~~(c)~~ **(b)** If a tie vote occurs among any of the candidates, the tie vote
 25 shall be resolved under IC 3-12-9-4.

26 ~~(d)~~ **(c)** If after the first governing body takes office, there is a
 27 vacancy on the governing body for any reason, including the failure of
 28 the sufficient number of petitions for candidates being filed, whether
 29 the vacating member was elected or appointed, the remaining members
 30 of the governing body, whether or not a majority of the governing body,
 31 shall by a majority vote fill the vacancy by appointing a person from
 32 within the boundaries of the community school corporation to serve for
 33 the term or balance of the term. An individual appointed under this
 34 subsection must possess the qualifications provided for a regularly
 35 elected or appointed governing body member filling the office. If:

36 (1) a tie vote occurs among the members of the governing body
 37 under this subsection or IC 3-12-9-4; or

38 (2) the governing body fails to act within thirty (30) days after any

1 vacancy occurs;
 2 the judge of the circuit court in the county where the majority of
 3 registered voters of the school corporation reside shall make the
 4 appointment.

5 ~~(c)~~ **(d)** A vacancy in the governing body occurs if a member ceases
 6 to be a resident of any community school corporation. A vacancy does
 7 not occur when the member moves from a district of the school
 8 corporation from which the member was elected or appointed if the
 9 member continues to be a resident of the school corporation.

10 ~~(f)~~ **(e)** At the first ~~primary~~ **or** general election in which members of
 11 the governing body are elected:

12 (1) a simple majority of the candidates elected as members of the
 13 governing body who receive the ~~highest~~ **greatest** number of votes
 14 shall be elected for four (4) year terms; and

15 (2) the balance of the candidates elected as members of the
 16 governing body receiving the next ~~highest~~ **greatest** number of
 17 votes shall be elected for two (2) year terms.

18 Thereafter, all school board members shall be elected for four (4) year
 19 terms.

20 ~~(g)~~ **(f)** **Elected** governing body members ~~elected~~:

21 ~~(1) in November~~ take office and assume their duties on January
 22 1 or July 1 after their election, as determined by the board of
 23 school trustees before the election. ~~and~~

24 ~~(2) in May take office and assume their duties on July 1 after their~~
 25 ~~election.~~

26 SECTION 59. IC 20-23-7-6, AS ADDED BY P.L.1-2005,
 27 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JANUARY 1, 2009]: Sec. 6. (a) The first metropolitan board of
 29 education shall be composed of the:

30 (1) trustees; and

31 (2) members of school boards;
 32 of the school corporations forming the metropolitan board of education.

33 (b) The members of the metropolitan board of education shall serve
 34 ex officio as members subject to the laws concerning length of terms,
 35 powers of election, or appointment and filling vacancies applicable to
 36 their respective offices.

37 (c) If a metropolitan school district is comprised of only two (2)
 38 board members, the two (2) members shall appoint a third board

1 member not more than ten (10) days after the creation of the
 2 metropolitan school district. If the two (2) members are unable to agree
 3 on or do not make the appointment of a third board member within the
 4 ten (10) day period after the creation of the metropolitan school district,
 5 the third member shall be appointed not more than twenty (20) days
 6 after the creation of the metropolitan school district by the judge of the
 7 circuit court of the county in which the metropolitan school district is
 8 located. If the metropolitan school district is located in two (2) or more
 9 counties, the judge of the circuit court of the county containing that part
 10 of the metropolitan school district having more students than the part
 11 or parts located in another county or counties shall appoint the third
 12 member. The members of the metropolitan board of education serve
 13 until their successors are elected or appointed and qualified.

14 (d) The first meeting of the first metropolitan board of education
 15 shall be held not more than one (1) month after the creation of the
 16 metropolitan school district. The first meeting shall be called by the
 17 superintendent of schools, or township trustee of a school township, of
 18 the school corporation in the district having the largest number of
 19 students. At the first meeting, the board shall organize, and **each year**
 20 **during the first ten (10) days of each July after the board members**
 21 **that are elected or appointed to a new term take office,** the board
 22 shall reorganize, by electing a president, a vice president, a secretary,
 23 and a treasurer.

24 (e) The secretary of the board shall keep an accurate record of the
 25 minutes of the metropolitan board of education, and the minutes shall
 26 be kept in the superintendent's office. When a metropolitan school
 27 district is formed, the metropolitan superintendent shall act as
 28 administrator of the board and shall carry out the acts and duties as
 29 designated by the board. A quorum consists of a majority of the
 30 members of the board. A quorum is required for the transaction of
 31 business. The vote of a majority of those present is required for a:

- 32 (1) motion;
- 33 (2) ordinance; or
- 34 (3) resolution;

35 to pass.

36 (f) The board shall conduct its affairs in the manner described in this
 37 section. Except in unusual cases, the board shall hold its meetings at
 38 the office of the metropolitan superintendent or at a place mutually

designated by the board and the superintendent. Board records are to be maintained and board business is to be conducted from the office of the metropolitan superintendent or a place designated by the board and the superintendent.

(g) The metropolitan board of education shall have the power to pay to a member of the board:

(1) a reasonable per diem for service on the board not to exceed one hundred twenty-five dollars (\$125) per year; and

(2) for travel to and from a member's home to the place of the meeting within the district, a sum for mileage equal to the amount per mile paid to state officers and employees. The rate per mile shall change when the state government changes its rate per mile.

SECTION 60. IC 20-23-7-8.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: **Sec. 8.1. (a) The registered voters of the metropolitan school district shall elect the members of the metropolitan board of education at general elections held biennially, beginning with the next general election that is held more than sixty (60) days after the creation of the metropolitan school district as provided in this chapter.**

(b) Each nominee for the board must file a petition of nomination signed by the nominee and by ten (10) registered voters residing in the same board member district as the nominee. The petition must be filed in accordance with IC 3-8-2.5 with the circuit court clerk of each county in which the metropolitan school district is located.

(c) Nominees for the board shall be listed on the general election ballot:

(1) in the form prescribed by IC 3-11-2;

(2) by board member districts; and

(3) without party designation.

The ballot must state the number of board members to be voted on and the maximum number of members that may be elected from each board member district as provided under section 5 of this chapter. A ballot that contains more votes than the maximum number allowed from a board member district is invalid.

(d) The precinct election boards in each county serving at the general election shall conduct the election for school board

1 members.

2 (e) Voting and tabulation of votes shall be conducted in
3 accordance with IC 3, and the candidates who receive the most
4 votes are elected to the board.

5 (f) If there are more candidates from a particular board
6 member district than may be elected from the board member
7 district under section 5 of this chapter:

8 (1) the number of candidates elected is the greatest number
9 that may be elected from the board member district;

10 (2) the candidates elected are those who, among the
11 candidates from the board member district, receive the most
12 votes; and

13 (3) the other candidates from the board member district are
14 eliminated.

15 (g) If there is a tie vote among the candidates for the board, the
16 judge of the circuit court in the county where the majority of the
17 registered voters of the metropolitan school district reside shall
18 select one (1) of the candidates who shall be declared and certified
19 elected.

20 (h) If, at any time after the first board member election, a
21 vacancy on the board occurs for any reason, including an
22 insufficient number of petitions for candidates being filed, and
23 regardless of whether the vacating member was elected or
24 appointed, the remaining members of the board, whether or not a
25 majority of the board, shall by a majority vote fill the vacancy by:

26 (1) appointing a person from the board member district from
27 which the person who vacated the board was elected; or

28 (2) if the person was appointed, appointing a person from the
29 board member district from which the last elected
30 predecessor of the person was elected.

31 If a majority of the remaining members of the board is unable to
32 agree or the board fails to act within thirty (30) days after a
33 vacancy occurs, the judge of the circuit court in the county where
34 the majority of registered voters of the metropolitan school district
35 reside shall make the appointment.

36 (i) At a general election held on the earlier of:

37 (1) more than sixty (60) days after an elected board member
38 vacates membership on the board; or

1 **(2) immediately before the end of the term for which the**
 2 **vacating member was elected;**

3 **a successor to a board member appointed under subsection (h)**
 4 **shall be elected. Unless the successor takes office at the end of the**
 5 **term of the vacating member, the member shall serve only for the**
 6 **balance of the vacating member's term. In an election for a**
 7 **successor board member to fill a vacancy for a two (2) year**
 8 **balance of a term, candidates for board membership need not file**
 9 **for or with reference to the vacancy. However, as required by**
 10 **IC 3-11-2, candidates for at-large seats must be distinguished on**
 11 **the ballot from candidates for district seats. If there is more than**
 12 **one (1) at-large seat on the ballot due to this vacancy, the elected**
 13 **candidate who receives the fewest votes at the election at which the**
 14 **successor is elected shall serve for a two (2) year term.**

15 **(j) At the first general election where members of the board are**
 16 **elected under this section, the elected candidates who constitute a**
 17 **simple majority of the elected candidates and who receive the most**
 18 **votes shall be elected for four (4) year terms and the other elected**
 19 **candidates shall be elected for two (2) year terms.**

20 **(k) Board members shall be elected for four (4) year terms after**
 21 **the first election and shall take office January 1 following the**
 22 **election.**

23 SECTION 61. IC 20-23-7-12, AS AMENDED BY P.L.1-2007,
 24 SECTION 143, IS AMENDED TO READ AS FOLLOWS
 25 [EFFECTIVE JANUARY 1, 2009]: Sec. 12. (a) As used in this section,
 26 "county" means the county in which the school township is located.

27 (b) As used in this section, "school township" means a school
 28 township in Indiana that:

29 (1) for the last full school semester immediately preceding:

30 (A) the adoption of a preliminary resolution by the township
 31 trustee and the township board under subsection (f); or

32 (B) the adoption of a resolution of disapproval by the township
 33 trustee and the township board under subsection (g);

34 had an ADM of at least six hundred (600) students in
 35 kindergarten through grade 12 in the public schools of the school
 36 township; or

37 (2) is part of a township in which there were more votes cast for
 38 township trustee outside the school township than inside the

1 school township in the general election at which the trustee was
 2 elected and that preceded the adoption of the preliminary or
 3 disapproving resolution.

4 (c) As used in this section, "township board" means the township
 5 board of a township in which the school township is located.

6 (d) As used in this section, "township trustee" means the township
 7 trustee of the township in which the school township is located.

8 (e) In a school township, a metropolitan school district may be
 9 created by complying with this section. A metropolitan school district
 10 created under this section shall have the same boundaries as the school
 11 township. After a district has been created under this section, the
 12 school township that preceded the metropolitan school district is
 13 abolished. The procedures or provisions governing the creation of a
 14 metropolitan school district under another section of this chapter do not
 15 apply to the creation of a district under this section. After a
 16 metropolitan school district is created under this section, the district
 17 shall, except as otherwise provided in this section, be governed by and
 18 operate in accordance with this chapter governing the operation of a
 19 metropolitan school district as established under section 2 of this
 20 chapter.

21 (f) Except as provided in subsection (g), a metropolitan school
 22 district provided for in subsection (e) may be created in the following
 23 manner:

24 (1) The township trustee shall call a meeting of the township
 25 board. At the meeting, the township trustee and a majority of the
 26 township board shall adopt a resolution that a metropolitan school
 27 district shall be created in the school township. The township
 28 trustee shall then give notice:

29 (A) by two (2) publications one (1) week apart in a newspaper
 30 of general circulation published in the school township; or

31 (B) if there is no newspaper as described in clause (A), in a
 32 newspaper of general circulation in the county;

33 of the adoption of the resolution setting forth the text of the
 34 resolution.

35 (2) On the thirtieth day after the date of the last publication of the
 36 notice under subdivision (1) and if a protest has not been filed, the
 37 township trustee and a majority of the township board shall
 38 confirm their preliminary resolution. If, however, on or before the

1 twenty-ninth day after the date of the last publication of the
 2 notice, a number of registered voters of the school township,
 3 equal to five percent (5%) or more of the number of votes cast in
 4 the school township for secretary of state at the last preceding
 5 general election for that office, sign and file with the township
 6 trustee a petition requesting an election in the school township to
 7 determine whether or not a metropolitan school district must be
 8 created in the township in accordance with the preliminary
 9 resolution, then an election must be held as provided in
 10 subsection (h). The preliminary resolution and confirming
 11 resolution provided in this subsection shall both be adopted at a
 12 meeting of the township trustee and township board in which the
 13 township trustee and each member of the township board received
 14 or waived a written notice of the date, time, place, and purpose of
 15 the meeting. The resolution and the proof of service or waiver of
 16 the notice shall be made a part of the records of the township
 17 board.

18 (g) Except as provided in subsection (f), a metropolitan school
 19 district may also be created in the following manner:

20 (1) A number of registered voters of the school township, equal
 21 to five percent (5%) or more of the votes cast in the school
 22 township for secretary of state at the last general election for that
 23 office, shall sign and file with the township trustee a petition
 24 requesting the creation of a metropolitan school district under this
 25 section.

26 (2) The township trustee and a majority of the township board
 27 shall, not more than ten (10) days after the filing of a petition:

28 (A) adopt a preliminary resolution that a metropolitan school
 29 district shall be created in the school township and proceed as
 30 provided in subsection (f); or

31 (B) adopt a resolution disapproving the creation of the district.

32 (3) If either the township trustee or a majority of township board
 33 members vote in favor of disapproving the resolution, an election
 34 must be held to determine whether or not a metropolitan school
 35 district shall be created in the school township in the same
 36 manner as is provided in subsection (f) if an election is requested
 37 by petition.

38 (h) An election required under subsection (f) or (g) may, at the

option of the township trustee, be held either as a special election or in conjunction with a primary or general election to be held not more than one hundred twenty (120) days after the filing of a petition under subsection (f) or the adoption of the disapproving resolution under subsection (g). The township trustee shall certify the question to the county election board under IC 3-10-9-3 and give notice of an election:

(1) by two (2) publications one (1) week apart in a newspaper of general circulation in the school township; or

(2) if a newspaper described in subdivision (1) does not exist, in a newspaper of general circulation published in the county.

The notice must provide that on a day and time named in the notice, the polls shall be opened at the usual voting places in the various precincts in the school township for the purpose of taking the vote of the registered voters of the school township regarding whether a metropolitan school district shall be created in the township. The election shall be held not less than twenty (20) days and not more than thirty (30) days after the last publication of the notice unless a primary or general election will be conducted not more than six (6) months after the publication. In that case, the county election board shall place the public question on the ballot at the primary or general election. If the election is to be a special election, the township trustee shall give notice not more than thirty (30) days after the filing of the petition or the adoption of the disapproving resolution.

(i) On the day and time named in the notice, the polls shall be opened and the votes of the voters shall be taken regarding whether a metropolitan school district shall be created in the school township. IC 3 governs the election except as otherwise provided in this chapter. The county election board shall conduct the election. The public question shall be placed on the ballot in the form prescribed by IC 3-10-9-4 and must state, "Shall a metropolitan school district under IC 20-23-7 be formed in the _____ School Township of _____ County, Indiana?". The name of the school township shall be inserted in the blanks.

(j) The votes cast in the election shall be canvassed at a place in the school township determined by the county election board. The certificate of the votes cast for and against the creation of a metropolitan school district shall be filed in the records of the township board and recorded with the county recorder. If the special election is

1 not conducted at a primary or general election, the school township
 2 shall pay the expense of holding the election out of the school general
 3 fund that is appropriated for this purpose.

4 (k) A metropolitan school district shall, subject to section 7 of this
 5 chapter, be created on the thirtieth day after the date of the adoption of
 6 the confirming resolution under subsection (f) or an election held under
 7 subsection (h). If a public official fails to do the official's duty within
 8 the time prescribed in this section, the failure does not invalidate the
 9 proceedings taken under this section. An action to contest the validity
 10 of the creation of a metropolitan school district under this section or to
 11 enjoin the operation of a metropolitan school district may not be
 12 instituted later than the thirtieth day following the date of the adoption
 13 of the confirming resolution under subsection (f) or of the election held
 14 under subsection (h). Except as provided in this section, an election
 15 under this subsection may not be held sooner than twelve (12) months
 16 after another election held under subsection (h).

17 (l) A metropolitan school district is known as "The Metropolitan
 18 School District of _____ Township, _____ County,
 19 Indiana". The first metropolitan board of education in a metropolitan
 20 school district created under this section consists of five (5) members.
 21 The township trustee and the township board members are ex officio
 22 members of the first board, subject to the laws concerning length of
 23 their respective terms of office, manner of election or appointment, and
 24 the filling of vacancies applicable to their respective offices. The ex
 25 officio members serve without compensation or reimbursement for
 26 expenses, other than that which they may receive from their respective
 27 offices. The township board shall, by a resolution recorded in its
 28 records, appoint the fifth member of the metropolitan board of
 29 education. The fifth member shall meet the qualifications of a member
 30 of a metropolitan board of education under this chapter, with the
 31 exception of the board member district requirements provided in
 32 sections 4, 5, and **8 8.1** of this chapter.

33 (m) A fifth board member shall be appointed not more than fifteen
 34 (15) days after the date of the adoption of the confirming resolution
 35 under subsection (f)(2) or an election held under subsection (h). The
 36 first board shall hold its first meeting not more than fifteen (15) days
 37 after the date when the fifth board member is appointed or elected, on
 38 a date established by the township board in the resolution in which it

1 appoints the fifth board member. The first board shall serve until ~~July~~
 2 **† January 1** following the election of a metropolitan school board at
 3 the first ~~primary~~ **general** election held more than sixty (60) days
 4 following the creation of the metropolitan school district.

5 (n) After the creation of a metropolitan school district under this
 6 section, the president of the metropolitan school board of the district
 7 shall serve as a member of the county board of education and perform
 8 the duties on the county board of education that were previously
 9 performed by the township trustee. The metropolitan school board and
 10 superintendent of the district may call upon the assistance of and use
 11 the services provided by the county superintendent of schools. This
 12 subsection does not limit or take away the powers, rights, privileges, or
 13 duties of the metropolitan school district or the board or superintendent
 14 of the district provided in this chapter.

15 SECTION 62. IC 20-23-8-7, AS ADDED BY P.L.1-2005,
 16 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JANUARY 1, 2009]: Sec. 7. (a) A plan or proposed plan must contain
 18 the following items:

19 (1) The number of members of the governing body, which shall
 20 be:

21 (A) three (3);

22 (B) five (5); or

23 (C) seven (7);

24 members.

25 (2) Whether the governing board shall be elected or appointed.

26 (3) If appointed, when and by whom, and a general description of
 27 the manner of appointment that conforms with the requirements
 28 of IC 20-23-4-28.

29 ~~(4) If elected, whether the election shall be at the primary or at the~~
 30 ~~general election that county officials are nominated or elected;~~
 31 ~~and a general description of the manner of election that conforms~~
 32 ~~with the requirements of IC 20-23-4-27.~~

33 **(4) A provision that the members of an elected governing**
 34 **board shall be elected at the general election at which county**
 35 **officials are elected.**

36 (5) The limitations on:

37 (A) residence;

38 (B) term of office; and

1 (C) other qualifications;
 2 required by members of the governing body.

3 (6) The time the plan takes effect.

4 A plan or proposed plan may have additional details to make the
 5 provisions of the plan workable. The details may include provisions
 6 relating to the commencement or length of terms of office of the
 7 members of the governing body taking office under the plan.

8 (b) Except as provided in subsection (a)(1), in a city having a
 9 population of more than fifty-nine thousand seven hundred (59,700)
 10 but less than sixty-five thousand (65,000), the governing body
 11 described in a plan may have up to nine (9) members.

12 SECTION 63. IC 20-23-8-21, AS ADDED BY P.L.1-2005,
 13 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JANUARY 1, 2009]: Sec. 21. An election may not be held under this
 15 chapter more than once each eighteen (18) months. A plan for a
 16 governing body may not be adopted more than once each six (6) years,
 17 except if **either of the following applies:**

18 ~~(1) the plan only changes the time of voting for board members~~
 19 ~~from the primary to the general election or from the general to the~~
 20 ~~primary election;~~

21 ~~(2) (1)~~ A plan adopted is declared or held to be invalid by a
 22 binding judgment or order in a United States or an Indiana court
 23 that no appeal or further approval can be taken. ~~or~~

24 ~~(3) (2)~~ The plan provides solely for changes in items specified in
 25 section 7(a)(5) of this chapter.

26 SECTION 64. IC 20-23-10-8, AS ADDED BY P.L.1-2005,
 27 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JANUARY 1, 2009]: Sec. 8. (a) The board members of a merged
 29 school corporation shall be elected at the first **primary general** election
 30 following the merged school corporation's creation, and vacancies shall
 31 be filled in accordance with IC 20-23-4-30.

32 (b) Until the first election under subsection (a), the board of trustees
 33 of the merged school corporation consists of:

34 (1) the members of the governing body of a school corporation in
 35 the county other than a school township; and

36 (2) the township trustee of a school township in the county.

37 (c) The first board of trustees shall select the name of the merged
 38 school corporation by a majority vote. The name may be changed by

1 unanimous vote of the governing body of the merged school
2 corporation.

3 SECTION 65. IC 20-23-12-3, AS ADDED BY P.L.1-2005,
4 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JANUARY 1, 2009]: Sec. 3. (a) The governing body of the school
6 corporation consists of seven (7) members elected as follows:

7 (1) On a nonpartisan basis.

8 (2) In a **primary general** election ~~held~~ in the county.

9 (b) Six (6) of the members shall be elected from the school districts
10 drawn under section 4 of this chapter. Each member:

11 (1) is elected from the school district in which the member
12 resides; and

13 (2) upon election and in conducting the business of the governing
14 body, represents the interests of the entire school corporation.

15 (c) One (1) of the members elected:

16 (1) is the at-large member of the governing body;

17 (2) may reside in any of the districts drawn under section 4 of this
18 chapter; and

19 (3) upon election and in conducting the business of the governing
20 body, represents the interests of the entire school corporation.

21 SECTION 66. IC 20-23-12-8, AS ADDED BY P.L.1-2005,
22 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 JANUARY 1, 2009]: Sec. 8. (a) The term of each person elected to
24 serve on the governing body

25 ~~(1)~~ is four (4) years. ~~and~~

26 ~~(2)~~ begins

27 **(b) The term of each person elected to serve on the governing**
28 **body begins** the ~~July 1~~ **January 1** that next follows the person's
29 election.

30 SECTION 67. IC 20-23-12-9, AS ADDED BY P.L.1-2005,
31 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
32 JANUARY 1, 2009]: Sec. 9. The members are elected as follows:

33 (1) Three (3) of the members elected under section 3(b) of this
34 chapter are elected at the **primary general** election to be held in
35 ~~2008~~ **2012** and every four (4) years thereafter.

36 (2) Three (3) of the members elected under section 3(b) of this
37 chapter are elected at the **primary general** election to be held in
38 ~~2006~~ **2010** and every four (4) years thereafter.

(3) The at-large member elected under section 3(c) of this chapter is elected at the **primary general** election to be held in **2008 2012** and every four (4) years thereafter.

SECTION 68. IC 20-23-13-1, AS ADDED BY P.L.230-2005, SECTION 80, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 1. (a) In a community school corporation established under IC 20-23-4 that:

(1) has a population of more than seventy-five thousand (75,000) but less than ninety thousand (90,000); and

(2) is the successor in interest to a school city having the same population;

the governing body consists of a board of trustees of five (5) members elected in the manner provided in this chapter.

~~(b) At the 2008 primary election and at each primary election every four (4) years thereafter, there shall be elected in each school corporation covered by this chapter two (2) governing body members, each of whom shall serve for four (4) years. The two (2) candidates for the office of school trustee receiving the highest number of votes at the election take office on July 1 next following the election.~~

~~(c) At the 2006 primary election and at each primary election every four (4) years thereafter, there shall be elected in each school city covered by this chapter three (3) governing body members, each of whom shall serve for four (4) years. The three (3) candidates for the office of school trustee receiving the highest number of votes at the election take office on July 1 next following the election.~~

~~(d) (b)~~ The governing body members shall be elected at the times provided and shall succeed the retiring members in the order and manner as set forth in this ~~section: chapter.~~

SECTION 69. IC 20-23-13-2.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 2.1. (a) **As used in this section, "county election board" includes a board of elections and registration established by IC 3-6-5.2.**

(b) The voters of the school city shall elect the members of the governing body at a general election for a term of four (4) years. The members shall be elected from the city at large without reference to district.

(c) Each candidate for election to the governing body must file

a petition of nomination with the county election board in each county in which a school city subject to this chapter is located. The petition of nomination must comply with IC 3-8-2.5 and the following requirements:

(1) The petition must be signed by at least two hundred (200) legal voters of the school city.

(2) Each petition may nominate only one (1) candidate.

(3) The number of petitions signed by a legal voter may not exceed the number of school trustees to be elected.

(d) After all the petitions described in subsection (c) are filed with the county election board, the board shall publish the names of those nominated in accordance with IC 5-3-1 and shall certify the nominations in the manner required by law. IC 3 governs the election to the extent that it is not inconsistent with this chapter.

(e) The county election board shall prepare the ballot for the general election at which members of the governing body are to be elected so that the names of the candidates nominated appear on the ballot:

(1) in alphabetical order;

(2) without party designation; and

(3) in the form prescribed by IC 3-11-2.

(f) The county election board shall not publish or place on the ballot the name of a candidate who is not eligible under this chapter for membership on the governing body.

(g) Each voter may vote for as many candidates as there are members of the governing body to be elected.

SECTION 70. IC 20-23-13-3, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 3. The intent of this chapter is to provide that the governing body of the school corporations to which it relates shall be elected as provided in:

(1) IC 20-23-4-27; and ~~IC 20-23-4-29 through~~

(2) IC 20-23-4-29.1;

(3) IC 20-23-4-30; and

(4) IC 20-23-4-31;

but this chapter prevails over any conflicting provisions of IC 20-23-4 relating to any school corporation.

SECTION 71. IC 20-23-14-5, AS ADDED BY P.L.230-2005,

SECTION 81, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 5. To be eligible to be a candidate for the governing body under this chapter, the following apply:

(1) Each prospective candidate must file a **petition of nomination** ~~petition~~ with the board of elections and registration not earlier than one hundred four (104) days and not later than noon seventy-four (74) days before the **primary general** election at which the members are to be elected. ~~that includes~~ **The petition of nomination must include** the following: ~~information:~~

(A) The name of the prospective candidate.

(B) Whether the prospective candidate is a district candidate or an at-large candidate.

(C) A certification that the prospective candidate meets the qualifications for candidacy imposed under this chapter.

(D) The signatures of at least one hundred (100) registered voters residing in the school corporation.

(2) Each prospective candidate for a district position must:

(A) reside in the district; and

(B) have resided in the district for at least the three (3) years immediately preceding the election.

(3) Each prospective candidate for an at-large position must:

(A) reside in the school corporation; and

(B) have resided in the school corporation for at least the three (3) years immediately preceding the election.

(4) Each prospective candidate (regardless of whether the candidate is a district candidate or an at-large candidate) must:

(A) be a registered voter;

(B) have been a registered voter for at least the three (3) years immediately preceding the election; and

(C) be a high school graduate or have received a:

(i) high school equivalency certificate; or

(ii) state general educational development (GED) diploma under IC 20-20-6.

(5) A prospective candidate may not:

(A) hold any other elective or appointive office; or

(B) have a pecuniary interest in any contract with the school corporation or its governing body;

as prohibited by law.

SECTION 72. IC 20-23-14-8, AS ADDED BY P.L.1-2005,
SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
JANUARY 1, 2009]: Sec. 8. **(a)** The term of each person elected to
serve on the governing body

~~(1)~~ is four (4) years. ~~and~~

~~(2)~~ **begins**

**(b) The term of each person elected to serve on the governing
body begins on the July + January 1** that next follows the person's
election.

SECTION 73. IC 20-23-14-9, AS ADDED BY P.L.1-2005,
SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
JANUARY 1, 2009]: Sec. 9. The members are elected as follows:

(1) Three (3) of the members are elected at the **primary general**
election to be held in ~~2008~~ **2012** and every four (4) years
thereafter.

(2) Two (2) of the members are elected at the **primary general**
election to be held in ~~2006~~ **2010** and every four (4) years
thereafter.

SECTION 74. IC 20-25-3-4, AS AMENDED BY P.L.1-2006,
SECTION 322, IS AMENDED TO READ AS FOLLOWS
[EFFECTIVE JANUARY 1, 2009]: Sec. 4. (a) The board consists of
seven (7) members. A member:

(1) must be elected on a nonpartisan basis in **primary general**
elections held in the county as specified in this section; and

(2) serves a four (4) year term.

(b) Five (5) members shall be elected from the school board districts
in which the members reside, and two (2) members must be elected at
large. Not more than two (2) of the members who serve on the board
may reside in the same school board district.

(c) If a candidate runs for one (1) of the district positions on the
board, only eligible voters residing in the candidate's district may vote
for that candidate. If a person is a candidate for one (1) of the at-large
positions, eligible voters from all the districts may vote for that
candidate.

(d) If a candidate files to run for a position on the board, the
candidate must specify whether the candidate is running for a district
or an at-large position.

(e) A candidate who runs for a district or an at-large position wins

1 if the candidate receives the greatest number of votes of all the
2 candidates for the position.

3 (f) Districts shall be established within the school city by the state
4 board. The districts must be drawn on the basis of precinct lines, and
5 as nearly as practicable, of equal population with the population of the
6 largest district not to exceed the population of the smallest district by
7 more than five percent (5%). District lines must not cross precinct
8 lines. The state board shall establish:

9 (1) balloting procedures for the election under IC 3; and

10 (2) other procedures required to implement this section.

11 (g) A member of the board serves under section 3 of this chapter.

12 (h) In accordance with subsection (k), a vacancy in the board shall
13 be filled temporarily by the board as soon as practicable after the
14 vacancy occurs. The member chosen by the board to fill a vacancy
15 holds office until the member's successor is elected and qualified. The
16 successor shall be elected at the next regular school board election
17 occurring after the date on which the vacancy occurs. The successor
18 fills the vacancy for the remainder of the term.

19 (i) An individual elected to serve on the board begins the
20 individual's term on ~~July 1 of the year of~~ **January 1 immediately**
21 **following** the individual's election.

22 (j) Notwithstanding any law to the contrary, each voter must cast a
23 vote for a school board candidate or school board candidates by voting
24 system or paper ballot. However, the same method used to cast votes
25 for all other offices for which candidates have qualified to be on the
26 election ballot must be used for the board offices.

27 (k) If a vacancy in the board exists because of the death of a
28 member, the remaining members of the board shall meet and select an
29 individual to fill the vacancy in accordance with subsection (h) after
30 the secretary of the board receives notice of the death under IC 5-8-6.

31 SECTION 75. IC 33-33-53-5, AS AMENDED BY P.L.2-2006,
32 SECTION 183, IS AMENDED TO READ AS FOLLOWS
33 [EFFECTIVE JANUARY 1, 2009]: Sec. 5. In accordance with rules
34 adopted by the judges of the court under section 6 of this chapter, the
35 presiding judge shall do the following:

36 (1) Ensure that the court operates efficiently and judicially under
37 rules adopted by the court.

38 (2) Annually submit to the fiscal body of Monroe County a budget

- 1 for the court, including amounts necessary for:
- 2 (A) the operation of the circuit's probation department;
- 3 (B) the defense of indigents; and
- 4 (C) maintaining an adequate law library.
- 5 (3) Make the appointments or selections required of a circuit or
- 6 superior court judge under the following statutes:
- 7 IC 8-4-21-2
- 8 IC 11-12-2-2
- 9 IC 16-22-2-4
- 10 IC 16-22-2-11
- 11 IC 16-22-7
- 12 IC 20-23-4
- 13 IC 20-23-7-6
- 14 ~~IC 20-23-7-8~~ **IC 20-23-7-8.1**
- 15 IC 20-26-7-8
- 16 IC 20-26-7-14
- 17 IC 20-47-2-15
- 18 IC 20-47-3-13
- 19 IC 36-9
- 20 IC 36-10
- 21 IC 36-12-10-10.
- 22 (4) Make appointments or selections required of a circuit or
- 23 superior court judge by any other statute, if the appointment or
- 24 selection is not required of the court because of an action before
- 25 the court.
- 26 SECTION 76. THE FOLLOWING ARE REPEALED [EFFECTIVE
- 27 JULY 1, 2008]: IC 3-11-18-2; IC 3-11-18-18; IC 3-11-18-19;
- 28 IC 3-11-18-20.
- 29 SECTION 77. THE FOLLOWING ARE REPEALED [EFFECTIVE
- 30 JANUARY 1, 2009]: IC 3-8-2-2.2; IC 20-23-4-29; IC 20-23-7-8;
- 31 IC 20-23-13-2.
- 32 SECTION 78. [EFFECTIVE JULY 1, 2008] **A county designated**
- 33 **as a vote center pilot county under:**
- 34 **(1) P.L.164-2006, SECTION 148 (before its expiration); or**
- 35 **(2) SECTION 79 of this act;**
- 36 **is automatically redesignated as a vote center county under**
- 37 **IC 3-11-18, as amended by this act, on July 1, 2008.**
- 38 SECTION 79. [EFFECTIVE JANUARY 1, 2008

1 (RETROACTIVE)] (a) The definitions set forth in IC 3-5-2 apply
2 throughout this SECTION.

3 (b) The secretary of state may designate one (1) county as a vote
4 center pilot county under IC 3-11-18.

5 (c) A county must file with the secretary of state an application
6 to be designated a vote center pilot county under IC 3-11-18 not
7 later than March 1, 2008.

8 (d) The secretary of state shall act in accordance with
9 IC 3-11-18 and this SECTION to designate a county as a vote
10 center pilot county not later than March 15, 2008.

11 (e) The designation of a county as a vote center pilot county
12 under this SECTION is effective June 1, 2008.

13 (f) This SECTION expires July 1, 2008.

14 SECTION 80. [EFFECTIVE JANUARY 1, 2009] (a) As used in
15 this SECTION, "governing body" refers to the governing body of
16 a school corporation subject to any of the following:

17 (1) IC 20-23-4-30.

18 (2) IC 20-23-7-8 (before its repeal) and IC 20-23-7-8.1, as
19 added by this act.

20 (3) IC 20-23-8-8.

21 (4) IC 20-23-10-8.

22 (5) IC 20-23-12.

23 (6) IC 20-23-13.

24 (7) IC 20-23-14.

25 (8) IC 20-25-3-4.

26 (b) This subsection applies to a member of a governing body
27 elected at the 2006 primary election. The successor of such a
28 member shall:

29 (1) be elected at the 2010 general election; and

30 (2) take office January 1, 2011.

31 (c) This subsection applies to a member of a governing body
32 elected at the 2008 primary election. The successor of such a
33 member shall:

34 (1) be elected at the 2012 general election; and

35 (2) take office January 1, 2013.

36 (d) This SECTION expires July 1, 2013."

37 Delete page 32.

38 Page 33, delete lines 1 through 29.

- 1 Renumber all SECTIONS consecutively.
 (Reference is to HB 1196 as reprinted January 30, 2008.)

and when so amended that said bill do pass.

Committee Vote: Yeas 5, Nays 2.

Lawson C

Chairperson